1947. K

File No. B. Essential Commodities 47

Legil DEPARTMENT

B BRANCH

K

Subject:—

Bill 215

A Bill to amend the Bombay Essential Commodities and Cattle Control Act, 1946.

P-2
E

File No. B. Essential Commodities /47

Std. Sectt. Slip 24 B e.

625

CONTENTS.

Legal Department File No.B. Essential Commodities/1947.

Sr. No.	Compilation No.	Subject.	Pages.
1.	U.R.to A.R.D. No.11646, dt. 3-12-47.	Opinion reg. control on the transport of bone and bone-manures.	1-2.

INP.
10/5/56.

Office of the R.L.A.

Control on the transport of bone and bone-manures. The Bombay Essential Commodities and Cattle (Control) Act, 1946.

It is possible to include in the Schedule to the Bombay Essential Commodities and Cattle (Control) Act, 1946, "bone and bone-manures" by issuing a notification under section 3 of the Act. As the preamble of the Act shows, that Act, however, is enacted in virtue of the entries in the Provincial Legislative List relating to "trade and commerce" and "production, supply and distribution of commodities". Clause (a) of sub-section (1) of section 297 of the Government of India Act, 1935, provides inter alia that no Provincial Government shall by virtue of these entries have power to take any executive action prohibiting the export from the Province of goods of any class or description. Any executive action by the Provincial Government banning the export of bone and bone-manures from the Province of Bombay under the Bombay Essential Commodities and Cattle (Control) Act, 1946, would be hit by the aforesaid provisions of the Government of India Act, and no such action, therefore, is feasible in law. The only course to achieve the object in view is to legislate. Attention is invited in this connection to R.L.A's u.r. to H.D.No.73-P-Confidential, dated 5th November 1947 (copy appended).

Sd. P.M.Lad
4/12
Remembrancer of Legal Affairs.

U.R.to A.R.D., No.11646, dated the 5th December 1947.

MRP.
10/5/56.